IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

WP(C).No. 5828 of 2007(R)

PETITIONER:

LATHIKA.P. HSA (SCIENCE),
GOVT.REGIONAL FISHERIES TECHNICAL HIGH SCHOOL,
FOR GIRLS, CHRUVATHUR AT KANHANGAD, AVIKKARA,
PO KANHANGAD, KASARAGOD DISTRICT.

BY ADV. SRI.M.V.AMARESAN

RESPONDENTS:

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1. THE DEPUTY DIRECTOR OF FISHERIES,
KASARAGOD.

2. THE DIRECTOR,
DEPARTMENT OF FISHERIES, THIRUVANANTHAPURAM.

3. THE PRINCIPAL SECRETARY TO GOVT.
FISHERIES AND PORTS (C) DEPARTMENT,
THIRUVANANTHAPURAM.

4. THE DEPUTY DIRECTOR OF EDUCATION,
KASARAGOD.

5. THE HEADMASTER,
GOVT. REGIONAL FISHERIES TECHNICAL HIGH SCHOOL
FOR GIRLS, CHERUVATHUR.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of General Transfer order for 2003-04.

Ext.P2: True copy of the relieving order bearing No.A1/282/03 dated 5.6.2003.

Ext.P3: True copy of the correspondence issued by the 5th respondent dated 24.7.2003.

Ext.P4: True copy of the G.O.(MS)No.18/05 P&RD dated 30.5.2005.

Ext.P5: True copy of the representation dated 25-7-2005.

Ext.P6: True copy of the representation dated 13.9.2006 before the Chief Minister's Redressal Cell.

Ext.P7: True copy of the letter dated 11.11.2007 issued by Deputy Director of Education, Kasaragod.

// True copy //

P.A. To Judge

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A.K.BASHEER, J.

W.P.(C)No.5828 OF 2007

Dated this the 20th day of June, 2007

JUDGMENT

This writ petition unravels yet another instance of Governmental apathy and inaction as a result of which, its employees are made to run from pillar to post with a begging bowl for getting salary and allowances for the period they worked.

2. It is not in dispute that petitioner was appointed as a primary teacher in Government High School, Kalliott in Kasaragod District. She joined the school on June 9, 1998 pursuant to the advice issued by the Kerala Public Service Commission. In May 2003 petitioner was transferred and posted as High School Assistant (Physical Science) in Government Regional Fisheries Technical High School for girls at Cheruvathur as revealed from Ext.P1. She joined duty pursuant to the above order of transfer on June 5, 2003 as could be seen from Ext.P3.

3. It appears that petitioner was transferred to the above school against an additional post. But it turned out that the

Government did not issue any order sanctioning the said post, with the result, the petitioner had to continue in service without salary or any other service benefits from June 2003 till May 2005, from which day the post was sanctioned by the Government. In other words, petitioner worked without salary for 24 months.

4. This writ petition has been filed by the petitioner in the above circumstances, praying for an appropriate direction to the respondents to disburse salary and allowances payable to her from June 2003 to May 2005.

5. It is contended by the respondents that salary and other allowances were not paid to the petitioner since she was accommodated against a post which was not sanctioned. As soon as sanction was accorded by the Government, she started receiving salary with effect from June 2005.

6. The respondents have not answered the query as to who was responsible for this totally avoidable confusion and inconvenience to the petitioner. A feeble attempt for an explanation is made by saying that Ext.P4 order by which the post was sanctioned had remained silent about its

retrospectivity. Ext.P4 did not give any clue as to whether salary can be paid for the period from June 2003 till the date of sanction, it is contended.

7. Having heard learned counsel for the petitioner and the learned Government Pleader and having perused the materials on record, I have no hesitation to hold that the indifference shown by the Government was totally unfortunate. Adding insult to injury, the Government has forced the petitioner to file this writ petition to get her salary for the period she had worked.

8. Therefore, the writ petition is allowed. Respondents are directed to disburse salary and all other allowances to the petitioner for the period from June 2003 till May 2005 within one month from the date of receipt of a copy of this judgment. Petitioner shall also be paid interest on the entire amount at the rate of 8% per annum apart from cost of this proceeding which is quantified at Rs.5,000/-

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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